IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO: 19365 of 1995

Between:

Thota Pichaiah, S/o Ramaiah, R/o Chandur (V),

Nalgonda Taluq., Nalgonda Dist.

..... PETITIONER

AND

1.The Commissioner, Nalgonda Municipality,

Nalgonda Taluq, Nalgonda District.
2.Thota Prakash, S/o Thota Pichaiah, R/o Chandur (V),

Nalgonda Taluq, Nalgonda District.
3.Thota Seenaiah, S/o Thota Pichaiah, R/o Chandur (V),

Nalgonda Taluq, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order, more particularly a writ of Mandamus declaring that the lay out Rules of the A.P. Municipalities Act does not apply to the Shops/ Mulgies constructed prior to the conversion of Gram Panchayat into Municipality and that the respondent be restrained to invoke section 228 of Municipality Act and further direct that any action of demolition or interference in the peaceful possession of mulgies No.1 & 3 of petitioner situated in S.No.510 of Gollaguda Village facing Nalgonda Miryalguda PWD Road will be deemed to be null and void

Counsel for the Petitioner: MR.S.A.HUSSAIN

Counsel for the Respondent No.1: MR.M.THIMMA REDDY, (SC)

Counsel for the Respondent No.2: MR.M.RAMA RAO

Counsel for the Respondent No.3: NONE APPEARED.

The Court made the following:

ORAL ORDER:

Heard both sides.

2. The petitioner seeks a declaration that the lay out Rules of the A.P. Municipalities Act does not apply to the Shops/Mulgies constructed prior to the conversion of the Gram Panchayat into Municipality and that the respondent be restrained from invoking Section-228 of the A.P. Municipalities Act and for a consequential direction to the respondent that any action of demolition or interference with the peaceful possession of Mulgie Nos.1 and 3, situated in S.No.510 of Gollaguda Village, facing Nalgonda-Miryalguda P.W.D. Road, will be deemed to be null and void.

3. Initially, in W.P.M.P.No.23727 of 1995, by order, dated 30-08-1995, this Court granted interim stay of demolition of Shops/Mulgies in question until further orders.

4. Having regard to the fact that the earlier order of interim stay, granted by this Court, is still in force, no useful purpose would be served in continuing the present writ petition. However, the larger

question involved would be decided at a later point of time as and when a suitable occasion arises.

5. Accordingly, the writ petition is closed in view of the order of interim stay granted by this Court in W.P.M.P.No.23727 of 1995, dated 30-08-1995. However, there shall be no order as to costs.

D.S.R.VARMA, J

09TH SEPTEMBER 2004

KRK

To:

Two C.D. Copies.